



PLANNING COMMISSION AGENDA

Wednesday, November 10, 2004

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **November 10, 2004**. Please remember to turn off your cell phones and pagers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

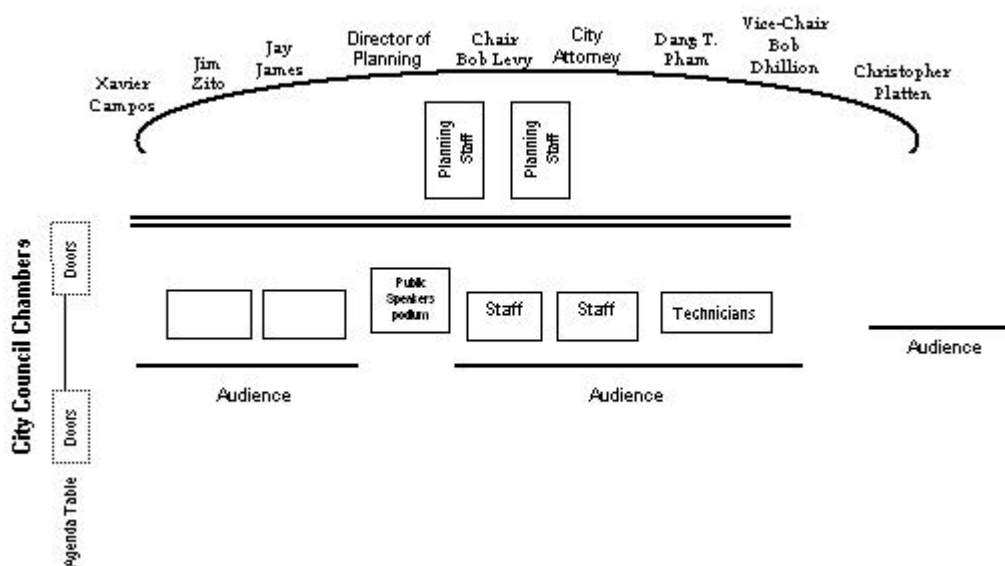
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any questions regarding the agenda, please contact Debi Stollman at 277-8523 or by email at debi.stollman@sanjoseca.gov).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP04-085**. Conditional Use Permit to install a wireless communications antenna (monopole) and associated equipment shelter 180 square feet at an existing fire station on a 0.8 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on southwest corner of King Road and Cunningham Avenue (City Of San Jose, Owner; Afl Telecommunications Rich Rolita, Developer). Council District 7. SNI: K.O.N.A. CEQA: Exempt.

DEFER TO 11-17-04

- b. **CA04-001**. Market-Almaden Conservation Area on 10.5 gross acre site approximately bounded by Highway 280, Almaden Avenue, rear of properties on Balbach Street and rear of properties on South Market Street., in the R-1-8 Single-Family Residence Zoning District, located at/on the approximately bounded by Highway 280, Almaden Avenue, rear of properties on Balbach Street and rear of properties on South Market Street. (89 PIERCE AV) (None). Council District 3. SNI: Market/Almaden. CEQA: Exempt.

DEFER TO 12-8-04

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [C04-081](#). Conventional Rezoning from Li Light Industrial Zoning District to CG Commercial General Zoning District to allow commercial uses on a 0.61 gross acre site, located at/on the southeast corner of North Fourth Street and Koll Circle (1516 N 4TH ST) (Fong Lawrence Trustee & Et Al, Owner). Council District 3. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Conventional Rezoning from Li Light Industrial Zoning District to CG Commercial General Zoning District to allow commercial uses as recommended by Staff.

- b. [CP04-069](#). Conditional Use Permit to allow a religious assembly use (with up to 356 seats) in an existing industrial building on a 1.59 gross acre site in the IP Industrial Park Zoning District, located at the southwest corner of Bernal Road and Via Del Oro (133 BERNAL RD) (Arnold Brett J And Lenore P Trustee, Owner; Jim Coffaro, Developer). Council District 2. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to allow a religious assembly use (with up to 356 seats) in an existing industrial building as recommended by Staff.

- c. [CP04-039](#). Conditional Use Permit to allow two-roof mounted wireless communication facilities and associated ancillary equipment shelters on a 1.82 gross acre site in the R-1-1 Single-Family Residence Zoning District, located on the south side of Shenado Place approximately 200 feet easterly of Lemon Blossom Court (20 SHENADO PL) (Pacific Bell, Owner). Council District 2. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to allow two-roof mounted wireless communication facilities and associated ancillary equipment shelters as recommended by Staff.

- d. [CP04-081](#). Conditional Use Permit to allow a public eating, drinking, and entertainment establishment with late night use until 2:00 a.m. on a 0.61 gross acre site in the DC Primary Downtown Commercial Zoning District, located on the east side of Almaden Avenue, approximately 170 feet south of West St. John Street (72 North Almaden Avenue) (Cucuzza Family Partnership, Owner/Developer). Council District 3. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit Permit to allow a public eating, drinking, and entertainment establishment with late night use until 2:00 a.m. as recommended by Staff.

- e. [PDA84-046-01](#). ADOPTION OF A RESOLUTION TO UPHOLD THE PLANNING DIRECTOR'S DECISION TO APPROVE A PLANNED DEVELOPMENT PERMIT AMENDMENT to allow the removal of one Aleppo Pine tree 76 inches in circumference on an existing attached residential site, in the R-1-8 (PD) Planned Development Zoning District, located on the southerly side of Primavera Court, approximately 250 feet easterly of Primavera Drive (Via Primavera Homeowner's Association, Owners). Council District 2. SNI: None. CEQA: Exempt. Continued from 10-13-04, 10-27-04.

Recommendation

Planning staff recommends that the Planning Commission adopt the resolution to uphold the Planned Development Permit Amendment as voted on by the Planning Commission 10-27-04.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC03-098](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 105 single-family detached residences on a 13.0 gross acre site, located on the Union Pacific Railroad right-of-way at the south side of East William Street approximately 400 feet westerly of McLaughlin Avenue (Union Pacific Corp, Owner; KB Home South Bay, Inc., developer). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 105 single-family detached residences as recommended by Staff.

- b. [PDC04-053](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow demolition of the existing restaurant and construction of up to 5,500 square feet for commercial uses on a 0.46 gross acre site, located at/on the

southwest corner of West Hedding Street and Coleman Street (879 COLEMAN AV) (Pinn Brothers Properties Limited Partnership, Owner). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow demolition of the existing restaurant and construction of up to 5,500 square feet for commercial uses as recommended by Staff.

- c. [CP04-093 & ABC04-012](#). Conditional Use Permit to allow an eating, drinking, and entertainment establishment and late night use until 2:00 a.m., and a Liquor License Exception to allow on-site sale of alcoholic beverages in an existing building on a 0.39 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the southeast corner of S. 1st Street and Santa Clara Street (Bank of America Building at 8 S. 1st St.) (Lin Stephen C and Judy Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission to approve a Conditional Use Permit and Liquor License Exception Permit to allow an eating, drinking, and entertainment establishment and late night use until 2:00 a.m., and a Liquor License Exception to allow on-site sale of alcoholic beverages in an existing building as recommended by Staff.

- d. Recommendation on San Jose Redevelopment Agency Five-Year Implementation Plan which describes specific goals and objectives of the San Jose Redevelopment Agency, specific proposed programs including potential projects and estimated expenditures proposed to be made during the next five years, replacing the previous Five-Year Implementation Plan, which expires on December 31, 2004.

Recommendation:

Redevelopment staff recommends that the Planning Commission recommend to the Redevelopment Agency Board that it adopt the Five-Year Implementation Plan for twenty redevelopment project areas, for the period commencing January 1, 2005 through December 31, 2009, pursuant to sections 33490 (a) and (d) of California Health and Safety Code as recommended by Redevelopment staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Curfew and Noise Monitoring Committee (Dhillon and James).
 - Coyote Valley Specific Plan (Platten)
- c. Draft 2005 Planning Commission meeting dates
- d. [Review of synopsis](#)

8. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

November 17	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
November 29 Monday	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers